

AL-11-000-6441



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY - 2 2011

THE ADMINISTRATOR

The Honorable Mark Steven Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Congratulations on your new position as co-chair of the Senate Great Lakes Task Force. I look forward to working with you as we restore the Great Lakes to support the economy, which depends on clean water and a healthy ecosystem.

The U.S. Environmental Protection Agency is proud to have released the Great Lakes Restoration Initiative (GLRI) Action Plan last year. The Action Plan will guide the work of 16 federal and binational agencies, as well as hundreds of grantees. More about the Action Plan and GLRI projects is available online at <http://glri.us/>. With your leadership, we know we will be able to continue our partnership to create jobs while restoring the Great Lakes, which you have worked to protect for decades.

I wish you the very best. Again, please accept my heartfelt congratulations on your new position. Please do not hesitate to contact me if I can be of assistance, or your staff may contact Cameron Davis, my senior advisor on Great Lakes issues whom I understand you have worked closely with in the past, at (312) 886-4957 or [davis.cameron@epa.gov](mailto:davis.cameron@epa.gov).

Sincerely,

A handwritten signature in black ink, which appears to read "Lisa P. Jackson", is written over a horizontal line.

Lisa P. Jackson

R5-12-000-7799C

# United States Senate

WASHINGTON, DC 20510

April 25, 2012

Honorable Susan Hedman, Regional Administrator  
Environmental Protection Agency Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604

APR 30 2012

Dear Regional Administrator Hedman:

We are writing to express our concern about the proposed industrial waste facility at Clinton Landfill in DeWitt County.

The Peoria Disposal Company would like to dispose of polychlorinated biphenyls (PCBs) on 23 acres of Clinton Landfill No. 3, directly above the Mahomet Valley Aquifer. The aquifer provides drinking water for close to 850,000 people in central Illinois. PCBs are a known carcinogen, and just one leak from the waste facility could permanently contaminate the aquifer, leaving hundreds of thousands of people without a safe source of drinking water.

Because PCBs are regulated under the Toxic Substances Control Act, US EPA has authority to approve or deny Peoria Disposal's proposal to dump PCBs at Clinton Landfill. We commend U.S. EPA's decision following conclusion of the public comment period to further evaluate the Clinton Landfill site's hydrology.

Clinton Landfill is not the only option. Four facilities are already authorized to accept PCB waste in the EPA Region 5 area alone, including one in Illinois. PCBs can be safely disposed of in these alternative locations, while ensuring the Mahomet Valley Aquifer continues to provide safe drinking water.

Soon, a group of central Illinois communities will submit a Sole Source Aquifer application for the Mahomet Valley Aquifer. The communities hope such designation will provide increased protection for the aquifer. Please keep us apprised as you consider the sole source application and continue to evaluate the proposed waste facility at Clinton Landfill.

Sincerely,



Richard J. Durbin  
U.S. Senator



Mark S. Kirk  
U.S. Senator



RS-12-000-7799-C  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 26 2012

REPLY TO THE ATTENTION OF:

The Honorable Mark S. Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your April 25, 2012 letter regarding the Peoria Disposal Company's proposed chemical waste unit at the Clinton Landfill in Clinton, Illinois.

The U.S. Environmental Protection Agency is continuing to evaluate the hydrogeology beneath the Clinton Landfill. EPA is working with the U.S. Geological Survey (USGS) through an inter-agency agreement to conduct additional analysis of both the regional and site-specific hydrogeology of the Mahomet Valley Aquifer. USGS and EPA collected groundwater samples at the Clinton Landfill on May 16, 2012. These groundwater samples will help us assess the likelihood of interconnections between the location of the proposed chemical waste unit at the Clinton Landfill and the Mahomet Valley Aquifer. USGS is scheduled to provide EPA with a draft report by the end of September. USGS will then peer-review the draft report, a process that could take up to five months. USGS expects to release the final report by February 2013.

In your letter, you note that several central Illinois communities will be submitting an application to designate the Mahomet Valley Aquifer as a Sole Source Aquifer (SSA). We look forward to receiving the SSA petition and will include it in the administrative record for the Clinton Landfill. Please note that SSA designation could enhance protection for the aquifer, but would not provide a basis for disapproval of the proposed chemical waste unit because no federal funding is involved in the project.

SSA designation could impact the proposed landfill in two ways. First, if EPA were to approve the Clinton Landfill application, SSA designation could provide a basis under Toxic Substances Control Act (TSCA) regulations for EPA to add more stringent requirements to ensure protection of the aquifer. Second, Illinois regulations prohibit locating a new chemical waste landfill unit within 1,200 feet of a SSA if there is a hydraulic connection between the landfill and the aquifer. Whether or not this state regulation would apply to the Clinton Landfill's chemical waste unit would need to be resolved at the state or local level.

Finally, as noted in your letter, there are several TSCA-regulated PCB disposal facilities in the Midwest that currently accept PCB waste. The existence of these facilities is not a factor that EPA can consider in connection with the Agency's evaluation of the Peoria Disposal Company proposal. Our evaluation of the proposal is required to focus on nine specific criteria relating to soil conditions, hydrology and the technical characteristics of the landfill design. The USGS investigation described above will help EPA determine whether the proposed landfill meets these criteria.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Denise Gawlinski, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read 'S Hedman', with a long horizontal line extending to the right.

Susan Hedman  
Regional Administrator

# United States Senate

WASHINGTON, DC 20510

November 14, 2013

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

The Honorable Tom Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, D.C. 20250

The Honorable Sylvia Mathews Burwell  
Director  
Office of Management and Budget  
725 17th St., N.W.  
Washington, D.C. 20503

Dear Administrator McCarthy, Secretary Vilsack, and Director Burwell:

We write to encourage the Administration to develop a 2014 regulatory proposal for the Renewable Fuel Standard (RFS) that supports the current-year projected 1.7 billion gallons of U.S. biodiesel production.

Biodiesel has exceeded RFS targets in each year and is clearly poised to do so again in 2013. The industry has had impressive growth, going far beyond initial expectations just five years ago, and is supporting 62,160 jobs and nearly \$17 billion in total economic impact. Biodiesel is improving our energy security by reducing our dependence on imported petroleum diesel, diversifying fuel supplies and creating competition in the fuels market.

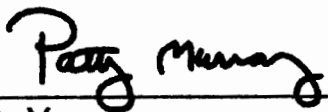
Setting the 2014 biodiesel volume requirement at reduced levels could have severe impacts on the domestic biodiesel industry. Further, a continuation of 2013 levels paired with any reduction in advanced biofuels targets could similarly negatively impact the industry.

Biodiesel is the only Environmental Protection Agency (EPA)-designated advanced biofuel to achieve commercial-scale production nationwide and the first to reach 1 billion gallons of annual production. Keeping the targets stagnant, rather than gradually allowing the biodiesel industry to grow, could leave 400 million gallons of biodiesel potentially unused – roughly 25 percent. Such a cut could result in nearly every small facility shutting down and permanently ceasing production of biodiesel, leading to the loss of some 7,000 jobs. Additionally, investment and financing for the U.S. biodiesel industry could be severely jeopardized, creating new and possibly insurmountable hurdles for the remaining producers to grow and expand.

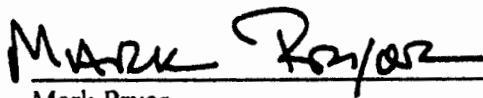
In setting 2014 targets for biodiesel, the EPA should avoid outcomes that could lead to plant closures, worker layoffs, and uncertainty over future investments in the biodiesel industry. We urge you to continue to support this fragile and growing industry with a reasonable increase in the RFS volume requirement for 2014.

Thank you for your consideration.

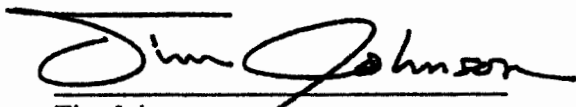
Sincerely,

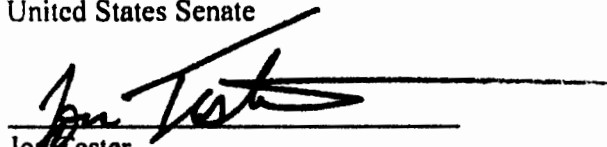
  
Patty Murray  
United States Senate

  
Al Franken  
United States Senate


  
Mark Pryor  
United States Senate

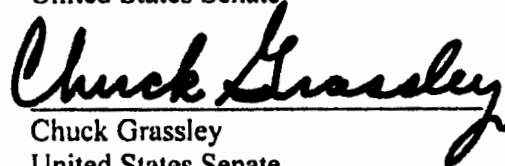
  
Angus King  
United States Senate

  
Tim Johnson  
United States Senate

  
Joe Tester  
United States Senate

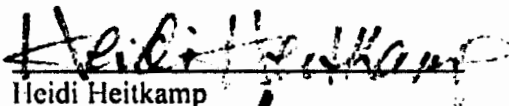
  
Mike Johanns  
United States Senate

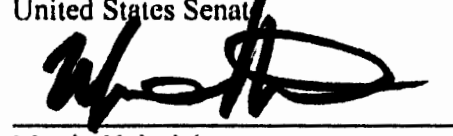
  
Roy Blunt  
United States Senate

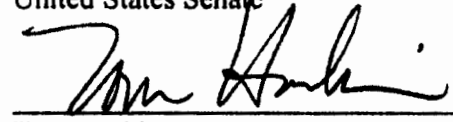
  
Chuck Grassley  
United States Senate

  
Joe Donnelly  
United States Senate

  
Jack Reed  
United States Senate

  
Heidi Heitkamp  
United States Senate

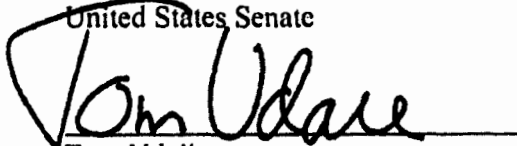
  
Martin Heinrich  
United States Senate

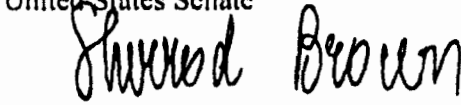
  
Tom Harkin  
United States Senate

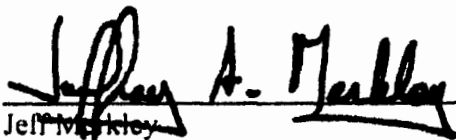
  
Sheldon Whitehouse  
United States Senate

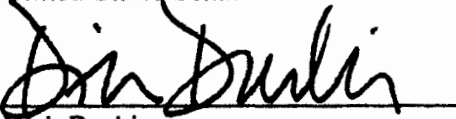
  
Deb Fischer  
United States Senate

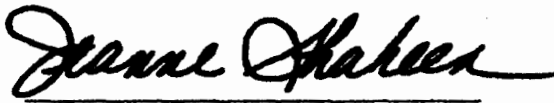
  
Brian Schatz  
United States Senate

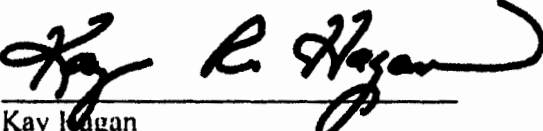
  
Tom Udall  
United States Senate


  
Sherrod Brown  
United States Senate

  
Jeff Merkley  
United States Senate


  
Dick Durbin  
United States Senate

  
Jeanne Shaheen  
United States Senate

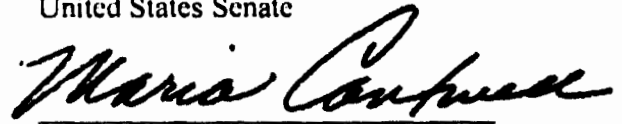
  
Kay Hagan  
United States Senate

  
Bob Casey  
United States Senate


  
Claire McCaskill  
United States Senate

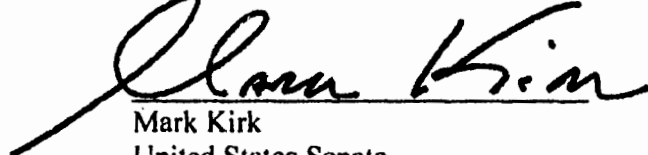
  
Amy Klobuchar  
United States Senate

  
Mazie Hirono  
United States Senate

  
Maria Cantwell  
United States Senate

  
Debbie Stabenow  
United States Senate

  
Susan M. Collins  
United States Senate

  
Mark Kirk  
United States Senate

  
Richard Blumenthal  
United States Senate



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

March 27, 2014

The Honorable Mark Kirk  
United States Senate  
Washington, DC 20510

Dear Senator Kirk:

Thank you for your letter dated November 14, 2013, to Office of Management and Budget (OMB) Director Sylvia M. Burwell, United States Department of Agriculture (USDA) Secretary Tom Vilsack, and Environmental Protection Agency (EPA) Administrator Gina McCarthy, about the rulemaking titled, *2014 Standards for the Renewable Fuel Standard Program*. They have asked me to respond on their behalf. Your letter encouraged the Administration to develop a proposed rule for the 2014 volumes under the Renewable Fuel Standard that would support a current-year projected U.S. biodiesel production of 1.7 billion gallons.

On August 30, 2013, EPA submitted a draft of its proposed rule to the Office of Information and Regulatory Affairs (OIRA) for review under Executive Orders 12866 and 13563. OIRA concluded its review on November 15, 2013. For the proposed rule, EPA developed several methodologies for evaluating the expected availability of qualifying renewable fuels as well as factors that in some cases limit supplying those fuels to the vehicles and equipment that can consume them. Based on that analysis and use of its waiver authorities, EPA proposed reductions from the statutory levels for the 2014 volumes of cellulosic biofuel, advanced biofuel, and total renewable fuel. EPA also proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as adopted for 2013, but requested comment on whether to raise the biomass-based diesel volume requirement. EPA also requested comment on many aspects of the proposed rule, including the methodologies used to develop the proposed volumes, and will consider your input and all comments received as it works to develop a draft final rule. OIRA and USDA will also take your input under consideration during interagency review of the draft final rule.

Thank you again for sharing your important perspective on this rulemaking. If you or your staff have any questions, please contact Kristen J. Sarri, Associate Director for Legislative Affairs, at (202) 395-4790.

Sincerely,

Howard Shelanski  
Administrator  
Office of Information and Regulatory Affairs

cc: The Honorable Tom Vilsack, USDA  
The Honorable Gina McCarthy, EPA



# United States Senate

WASHINGTON, DC 20510

January 22, 2014

The Honorable Gina McCarthy  
EPA Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator McCarthy:

We are writing to share serious concerns regarding the EPA's proposal for the 2014 Renewable Volume Obligations (RVOs) under the Renewable Fuel Standard (RFS.) Congress passed the RFS to increase the amount of renewable fuel utilized in our nation's fuel supply. The Administration's proposal is a significant step backward – undermining the goal of increasing biofuels production as a domestic alternative to foreign oil consumption. Further, the proposed waiver places at risk both the environmental benefits from ongoing development of advanced biofuels and rural America's economic future. We urge you to modify your proposal.

The Renewable Fuel Standard (RFS) provides the EPA with significant authority to adjust to shifting conditions over the 15-year life of the policy. In any given year, EPA can adjust the advanced biofuel and total biofuel volumes based on anticipated production. While EPA has used the authority to adjust biofuels levels in the past based on anticipated production levels, your proposal, for the first time, adjusts the 2014 overall volumes based on criteria not clearly identified in the law *below* anticipated production levels of biofuels and even *below* previous years' RFS levels.

Further, defining the "blend wall" as blends of E10 and then waiving RFS requirements beyond the blend wall creates significant barriers to future biofuels growth. Lack of infrastructure remains one of the key hurdles to further deployment of biofuels into the market. Limiting RFS to levels that can be met with existing infrastructure eliminates incentives to invest in the technologies and infrastructure necessary to meet our domestic policy goal of increasing biofuels production and use.

If the rule as proposed were adopted, it will:

- Replace domestic biofuel production with fossil fuels, contributing to a greater dependence on foreign sources of oil and reduce our energy security.
- Increase unemployment as renewable fuel producers cut back production.
- Halt investments in cellulosic, biodiesel and other advanced renewable fuels. Rolling back the RFS will, potentially strand billions of dollars of private capital;
- Undermine the deployment of renewable fuels infrastructure throughout the country;
- Threaten the viability of the RFS, thereby solidifying an oil-based transportation sector and lowering consumer choice at the pump.

With these concerns in mind, we request that EPA revise the proposed 2014 RVOs in a manner that promotes investments in the next generation of biofuels and the infrastructure necessary to deploy those fuels into the market. Without a revised proposal, the EPA's rule will bring severe economic consequences, and prevent the growth of the renewable fuel sector.

Thank you in advance for your consideration.

Sincerely,

Diana Doolin

Al Franken

Tom Harkin

Joe Donnelly

Tim Wirth

Mark Udall

Mike Braun

Heidi Hentke

Chuck Grassley

John Thune

Brian Schatz

Jack Reed

Sheldon Brown

Coina McCasill

Jeanne Shaker

Clara Kim

Amy Klobuchar

Mazie Hirono

Patty Murray

Elizabeth Warren

Edward J. Markey

Jim Johnson

Ray Blumenthal

Maria Cantwell

John Hironaka

Deb Fischer

Dan Coats

Mike Johanns

Mark F. B. ...

Rebekah Sklar



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAR 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter dated January 22, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond to you on her behalf.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule, and your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, which appears to read "Janet G. McCabe", is located below the word "Sincerely,".

Janet G. McCabe  
Acting Assistant Administrator

AL-14-001-4924

## United States Senate

WASHINGTON, DC 20510

September 11, 2014

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
U.S. EPA Headquarters – William J. Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator McCarthy,

We are writing to request that the Environmental Protection Agency (EPA) provide a 60 day extension of the comment period for the "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units." While we appreciate EPA granting an initial 120 day comment period, the complexity and magnitude of the proposed rule necessitates an extension. This extension is critical to ensure that state regulatory agencies and other stakeholders have adequate time to fully analyze and comment on the proposal. It is also important to note that the challenge is not only one of commenting on the complexity and sweeping scope of the rule, but also providing an opportunity to digest more than 600 supporting documents released by EPA in support of this proposal.

The proposed rule regulates or affects the generation, transmission, and use of electricity in every corner of this country. States and stakeholders must have time to fully analyze and assess the sweeping impacts that the proposal will have on our nation's energy system, including dispatch of generation and end-use energy efficiency. In light of the broad energy impacts of the proposed rule, state environmental agencies must coordinate their comments across multiple state agencies and stakeholders, including public utility commissions, regional transmission organizations, and transmission and reliability experts, just to name a few. The proposed rule requires a thorough evaluation of intra- and inter-state, regional, and in some cases international energy generation and transmission so that states and utilities can provide the most detailed assessments on how to meet the targets while maintaining reliability in the grid. This level of coordination to comment on an EPA rule is unprecedented, extraordinary, and extremely time consuming.

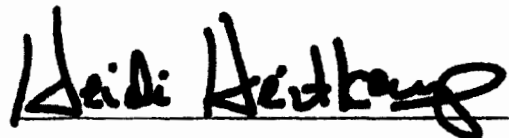
It is also important to note that the proposed rule imposes a heavy burden on the states during the rulemaking process. If the states want to adjust their statewide emission rate target assigned to them by EPA, they must provide their supporting documentation for the adjustment during the comment period. The EPA proposal provides no mechanism for adjusting the state emission rate targets once they are adopted based on the four building blocks. So the states need enough time to digest the rule, fully understand it, and then collect the data and justification on why their specific target may need to be adjusted, and why the assumptions of the building blocks may not apply to their states. This cannot be adequately accomplished in only 120 days.

Thank you for your consideration of this request.

Sincerely,



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Joe MacArthur

Mitch M. Conell

Dan Allen

Joe Donnelly

William J. E.

Tom Anderson

Jim Johnson

Pat Roberts

John Conyn

John Bozinger

John P. Boucarh

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Mark R. Wener

Mark R. Wener

Paul Marchant

Chuck Grassley

John Hatch

Clara Kim

Roy Johnson

Lynda Winter

Conan Alexander

Mike Croy

Don Cook

Joe E. Kink

Mike Johnson  
Sally Chaulkier

Michael B. Eij

Jerry Moran

Jefferson

Jim Mallick

John M. L.  
Mike H.

Jimmy P.

Tom Cohen

Mark Beyer  
Ken Heller

Rob Parton

Joe Basso  
Paul Cohen

John F. H.

John Hosen

Richard Helber

Bob Sum

Kay Bent

Rand Paul

Jim S.

Larry H.

Pat Rooney



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

September 16, 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter of September 11, 2014, to U.S. Environmental Protection Agency Administrator Gina McCarthy requesting an extension of the comment period for the proposed Clean Power Plan, which was signed on June 2, 2014, and published in the Federal Register on June 18, 2014. The Administrator asked that I respond on her behalf.

Before issuing this proposal, the EPA heard from more than 300 stakeholder groups from around the country, to learn more about what programs are already working to reduce carbon pollution. In addition, during the week of July 29, the EPA conducted eight full days of public hearings in four cities. Over 1,300 people shared their thoughts and ideas about the proposal and over 1,400 additional people attended those hearings.

These hearings and these meetings, with states, utilities, labor unions, nongovernmental organizations, consumer groups, industry, and others, reaffirmed that states are leading the way. The Clean Air Act provides the tools to build on these state actions in ways that will achieve meaningful reductions and recognizes that the way we generate power in this country is diverse and interconnected.

Recognizing that the proposal asks for comment on a range of issues, some of which are complex, the EPA initially proposed this rule with a 120-day comment period. The EPA has decided to extend the comment period by an additional 45 days, in order to get the best possible advice and data to inform a final rule.

The public comment period will now remain open until December 1, 2014. We encourage you and all interested parties to provide us with detailed comments on all aspects of the proposed rule. We have submitted your letter to the rulemaking docket, but additional comments can be submitted via any one of these methods:

Federal eRulemaking portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- E-mail: [A-and-R-Docket@epa.gov](mailto:A-and-R-Docket@epa.gov). Include docket ID number HQ-OAR-2013-0602 in the subject line of the message.
- Fax: Fax your comments to: 202-566-9744. Include docket ID number HQ-OAR-2013-0602 on the cover page.



- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. OAR-2013-0602, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at [bailey.kevinj@epa.gov](mailto:bailey.kevinj@epa.gov) or at (202) 564-2998.

Sincerely,



Janet G. McCabe  
Acting Assistant Administrator

AL-14-001-5133



THE NORTHEAST-MIDWEST SENATE & HOUSE COALITIONS  
**GREAT LAKES TASK FORCES**

September 10, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Dear Administrator McCarthy:

As Co-Chairs of the U.S. Senate and House of Representatives Great Lakes Task Forces, we request the presence of staff from the Environmental Protection Agency (EPA) for a Congressional staff briefing on the Great Lakes Restoration Initiative (GLRI). Specifically, we ask for EPA staff involved with the preparation and implementation of the FY2015-19 GLRI Action Plan. The briefing and speaker(s) should address the changes in the upcoming plan compared to the FY2010-14 Action Plan; how these changes are expected to affect the ongoing restoration efforts in the Great Lakes region; discuss the timeline for cleanup of Areas of Concern and other projects; and identify the improvements that have been made in the plan to address the U.S. Government Accountability Office's recommendations regarding accountability, tracking progress, and outside impacts like wastewater infrastructure and climate change. We also welcome staff from other federal agencies involved with the GLRI to participate in the briefing.

As you know, the Great Lakes are a vital source of freshwater, containing 84 percent of North America's surface freshwater and providing 40 million people with their drinking water. Over 1.5 million jobs depend directly on the resource and millions more are indirectly connected to the lakes. As the EPA has responsibility for administering the GLRI program, EPA's ability to effectively and efficiently administer this investment in our region is critical to further success of Great Lakes restoration.

Please have your staff contact Alice Yates with Senator Carl Levin's office ([alice\\_yates@levin.senate.gov](mailto:alice_yates@levin.senate.gov), 202-224-6221) and Samuel Breene with the Northeast-Midwest Congressional Coalition ([samuel.breene@mail.house.gov](mailto:samuel.breene@mail.house.gov), 202-226-6106), to coordinate the briefing. Thank you for your prompt attention and consideration.

Sincerely,

Carl Levin  
U. S. Senator  
Co-Chair, Senate Great Lakes Task Force

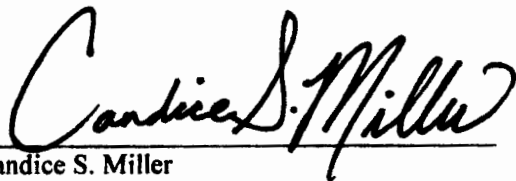
Mark Kirk  
U. S. Senator  
Co-Chair, Senate Great Lakes Task Force



Debbie Stabenow  
U.S. Senator  
Vice-Chair, Senate Great Lakes Task Force



Rob Portman  
U.S. Senator  
Vice-Chair, Senate Great Lakes Task Force



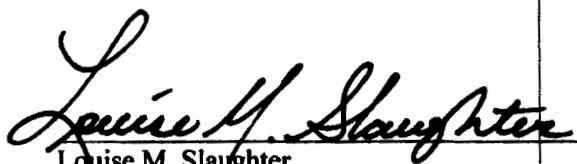
Candice S. Miller  
U.S. House of Representatives  
Co-Chair, House Great Lakes Task Force



John D. Dingell  
U.S. House of Representatives  
Co-Chair, House Great Lakes Task Force



Sean P. Duffy  
U.S. House of Representatives  
Co-Chair, House Great Lakes Task Force



Louise M. Slaughter  
U.S. House of Representatives  
Co-Chair, House Great Lakes Task Force

AL-14-001-5133



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

23 SEP 2014

OFFICE OF THE  
ADMINISTRATOR

The Honorable Mark Kirk  
United States Senate  
Washington, D. C. 20510

Dear Senator Kirk:

Thank you for your September 10, 2014 letter requesting a briefing on the Great Lakes Restoration Initiative Action Plan II, covering Fiscal Years 2015-2019.

On September 17, under the auspices of the House and Senate Great Lakes Task Forces, I provided the briefing in Washington, D.C. I highlighted the focus areas to be included in the plan and the relevant changes from the current Action Plan. In the drafting of the document, the Great Lakes Task Force of federal agencies worked to be responsive to input from a variety of sources, including the public, the Government Accountability Office, the Great Lakes Advisory Board, and others.

Again, thank you for your letter. If you have further questions, please don't hesitate to contact me at 312-886-4957.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron Davis".

Cameron Davis  
Senior Advisor to the Administrator (Great Lakes)

*Thanks for the invitation - great to  
see you in Wanhegan August 5 -*

# United States Senate

WASHINGTON, DC 20510

January 27<sup>th</sup>, 2010

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code: 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

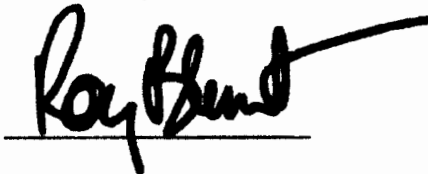
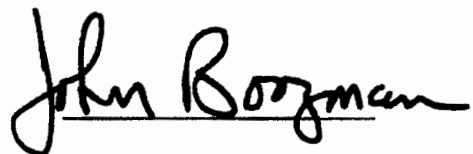
As newly elected Senators, we look forward to working with you in the 112<sup>th</sup> Congress. At this time, however, we are writing to echo concerns recently expressed by a bi-partisan group of 49 Senators during the 111<sup>th</sup> Congress on EPA's proposed Maximum Achievable Control Technology (MACT) rules, which affects boilers and process heaters.

We are concerned that even recently installed boilers cannot meet the requirements set forth in the proposed rule. The rule appears to be based on a "super" boiler that does not currently exist. As a result, these proposed boiler MACT rules are expected to cost billions of dollars and would put a tremendous number of jobs at risk. The manufacturing industry has been hit particularly hard by our struggling economy and while this proposal would have an effect on jobs from many sectors, manufacturers would be affected the most. In addition, the proposal's biomass standards significantly undercut the potential to use this important source of renewable energy and are at odds with the popular promotion of renewable energy sources.

EPA is tasked with protecting and enhancing our nation's air quality under the Clean Air Act, and we ask you to consider revisions to the proposed rules that will not only protect the environment, but also preserve jobs. Congress gave EPA latitude in certain areas to balance the economic impact with the health effects of such rules. We believe EPA should consider using this health-based standard to adjust their approach to Boiler MACT, which is specifically authorized by section 112(d)(4) of the Clean Air Act.

We are committed to protecting the jobs of hardworking Americans that recently elected us and we believe EPA should revise the rule to enact emissions standards that are actually achievable by real-world boilers. We support EPA's efforts to address health threats from air emissions and we are hopeful that these regulations can be crafted in a way that will benefit the environment and not harm existing jobs.

Sincere Regards,

A handwritten signature in black ink, appearing to read "Roy Blunt", written over a horizontal line.A handwritten signature in black ink, appearing to read "John Boozman", written over a horizontal line.

Rob Austin

Ron Johnson

Jerry Moran

Kelly Cigarette

Pat Dooney

Rand Barf

Paul Marchese

Sam Coats

Chantlin

Mark

John Hovew



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

FEB - 2 2011

THE ADMINISTRATOR

The Honorable Mark Kirk  
United State Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your January 27 letter regarding the proposed standards for controlling hazardous air pollutant emissions from industrial, commercial, and institutional boilers and process heaters ("Boiler NESHAP"). You raise important concerns, and I take them seriously.

At the outset, I should note that the rulemaking at issue is not discretionary. In Section 112 of the Clean Air Act, Congress directed EPA to establish these standards. EPA issued its proposal after many years of delay, and in order to meet a deadline set by the U.S. District Court for the District of Columbia. EPA is working diligently to issue these standards by February 21, 2011, to meet the Court's most recent deadline.

I appreciate the support you expressed for EPA's efforts to address health threats from air pollutant emissions. Many of the facilities in question are located in close proximity to neighborhoods where large numbers of people live and large numbers of children go to school. EPA estimates that the new standards will cut the facilities' toxic mercury emissions in half and, in the process, reduce their annual emissions of harmful sulfur dioxide and particulate matter by more than 300,000 tons and more than 30,000 tons, respectively.

Those reductions in air pollution will, each year, avoid an estimated 2,000 to 5,100 premature deaths, 1,400 cases of chronic bronchitis, 35,000 cases of aggravated asthma, and 1.6 million occurrences of acute respiratory symptoms. EPA estimates that Americans will receive five to twelve dollars in health benefits for every dollar spent to meet the standards.

You also express concern about the ability of sources to meet the proposed standards. EPA's final standards will be based on a very careful review of the large volume of relevant data we received, and thus will be more reflective of operational reality than the proposed standards would have been. Section 112 of the Clean Air Act directs EPA to calibrate the standards for each category or subcategory of facility to the emissions control that well-performing existing facilities in that category or subcategory are currently achieving. The same section of the statute identifies the types of information that are necessary to justify the establishment of any separate subcategory. In an effort to establish separate subcategories wherever appropriate, and to calculate accurately the standards for each subcategory, EPA asked the affected companies and institutions for technical data about their facilities long before the court-ordered deadline for

publishing a proposal. As is often the case in Section 112 rulemaking efforts, however, EPA did not receive much data. While the agency was not left entirely lacking in relevant information, the limited response from affected businesses and institutions did make it difficult for EPA to delineate subcategories and calculate standards that fully reflected operational reality. The agency nevertheless was legally required to publish proposed standards based on the information it had at the time.

Fortunately, a number of potentially affected businesses and institutions responded to EPA's published proposal by giving the agency relevant data that it had not possessed at the time of the proposal. The agency will make exhaustive use of all of the relevant data received during the period for public comment. EPA has learned things that it did not know before about the particulars of affected sectors and facilities. As a result, the standards will be significantly different than what we proposed in April 2010, which is how the rulemaking process is supposed to work.

EPA believes that a number of the changes EPA is making to the standards will deserve further public review and comment. We expect to solicit further comment through a reconsideration of the standards we will issue in February. Through the reconsideration process, EPA intends to ensure that the standards will be practical to implement and will protect the health of all Americans. Existing sources are not required to comply with the standards until 3 years after they become effective, and parties may request that EPA delay the effective date as part of the reconsideration process.

I would like to address your concern that the rulemakings at issue might threaten jobs. In recent months, two industry trade associations issued two separate presentations, each claiming that the rules would cost the U.S. economy jobs. The presentations differ significantly from each other when it comes to the number of jobs that allegedly would be lost. Moreover, the associations' methods for reaching their projections are in several respects opaque and in others clearly flawed. For example, they neglect to count the workers who will be needed to operate and maintain pollution control equipment and to implement work practices that reduce emissions.

On that point, the American Boiler Manufacturers Association ("ABMA") writes the following in its comments on the proposed Boiler MACT Rule:

If properly designed to reflect the broad range of boiler designs and operational conditions, as well as manufacturers' emission guarantee levels, the Boiler MACT will stimulate the creation of jobs in the boiler and boiler-related equipment industry. To the extent that EPA develops a Boiler MACT rulemaking that is achievable in practice for boiler owners and operators, the proposal will create solid, well-paid, professional, skilled and unskilled manufacturing jobs attendant to the upgrade, optimization and replacement of existing boilers around the United States. In addition, service jobs associated with the installation and maintenance of these systems, as well as service jobs associated with required tune-ups and energy assessments will be created. These jobs will be significant



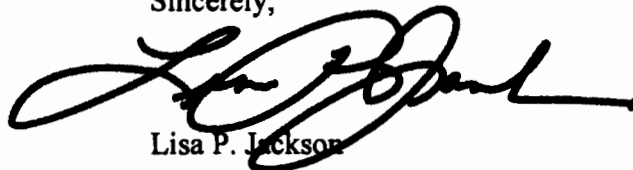
contributions to our local, state and national economies – contributions that must not be overlooked or minimized.

Additionally, you suggest that EPA set a health-based standard, as opposed to a purely technology-based standard. While many businesses are pleased that EPA solicited comment on setting such a standard, pursuant to Clean Air Act Section 112(d)(4), for certain hazardous air pollutants such as hydrogen chloride, those same businesses believe that EPA should have identified the establishment of a health-based standard as the agency's preferred outcome. The discretionary establishment of a health-based standard would need to be based on an adequate factual record justifying it. EPA did not identify a health-based standard as a preferred outcome in the proposal, because the agency did not possess at the time of the proposal a factual record that could justify it.

Finally, you express concern about the proposal's effect on the use of biomass as a source of renewable energy. We recognize that businesses that burn biomass in their boilers and process heaters or are worried that the limited information underlying EPA's proposed subcategories and standards might cause businesses that currently burn renewable biomass to convert to other fuels. Please know that EPA is paying particular attention to the subject of biomass-fired boilers and process heaters as the agency works to develop final standards.

Again, thank you for your letter. If you have additional questions, please do not hesitate to contact me, or to have your staff contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", written over a horizontal line.

Lisa P. Jackson

## United States Senate

WASHINGTON, DC 20510

March 4, 2011

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Jackson:

I write in regard to the Environmental Protection Agency's (EPA) effort to issue new guidance concerning the use of Selective Catalytic Reduction (SCR) systems.

As you know, in July 2010 the EPA and the California Air Resources Board (CARB) held a public workshop to discuss SCR systems. Evidence was presented at the workshop that found these systems are vulnerable to tampering, circumventing the emissions control standards on heavy-duty diesel engines.

According to the Assistant Administrator for Air and Radiation, Gina McCarthy, the EPA is reviewing the SCR technology and planned to release new guidance on these systems by the end of 2010. We are now nine weeks into the new year and no new guidance has been issued. The lack of guidance not only results in higher NOx emissions, but also creates an unfair playing field.

Improved tamper-resistant technology minimizes pollution from these engines and protects our air quality. I would appreciate clarification from EPA regarding when the industry can expect new guidance on SCR systems as was promised last year.

I appreciate your timely attention to this matter and look forward to your response.

Sincerely,



Mark Kirk  
United States Senator



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

**APR 28 2011**

OFFICE OF  
AIR AND RADIATION

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter dated March 4, 2011, in which you inquire about our effort to issue new guidance concerning the use of selective catalytic reduction (SCR) systems on heavy-duty diesel engines. As referenced in your letter, the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) held a public workshop in July 2010 in El Monte, California to discuss SCR systems.

Since that time, EPA has been reviewing comments and information submitted by engine manufacturers in response to the workshop to help inform our guidance. This has taken longer than anticipated. We are currently in the process of drafting the guidance and plan to publish the document in the Federal Register within the next few months for review and comment.

In evaluating the information before us, we are looking to see what changes if any are appropriate to make in the existing guidance technical categories. These categories include driver warning systems for low SCR reducing agent, increment strategies to help ensure systems are operating effectively, anti-tampering provisions, and SCR system freeze protection controls. We are also evaluating the emission control strategies in place from the engine manufacturers. We note the substantial interest in this guidance from the regulated parties, so EPA staff has been working closely with industry and other stakeholders.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", is written over a large, stylized, looping flourish.

Gina McCarthy  
Assistant Administrator

# United States Senate

WASHINGTON, DC 20510

February 15, 2011

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

As the 112<sup>th</sup> United States Congress commences, we write to share with you our continuing concern with the potential regulation of farm and rural dusts through your review of the National Ambient Air Quality Standards (NAAQS) for coarse particulate matter (PM<sub>10</sub>), or "dust." Proposals to lower the standard may not be significantly burdensome in urban areas, but will likely have significant effects on businesses and families in rural areas, many of which have a tough time meeting current standards.

Naturally occurring dust is a fact of life in rural America, and the creation of dust is unavoidable for the agriculture industry. Indeed, with the need to further increase food production to meet world food demands, regulations that will stifle the U.S. agriculture industry could result in the loss of productivity, an increase in food prices, and further stress our nation's rural economy.

Tilling soil, even through reduced tillage practices, often creates dust as farmers work to seed our nation's roughly 400 million acres of cropland. Likewise, harvesting crops with various farm equipment and preparing them for storage also creates dust.

Due to financial and other considerations, many roads in rural America are not paved, and dust is created when they are traversed by cars, trucks, tractors, and other vehicles. To potentially require local and county governments to pave or treat these roads to prevent dust creation could be tremendously burdensome for already cash-strapped budgets.

While we strongly support efforts to safeguard the wellbeing of Americans, most Americans would agree that common sense dictates that the federal government should not regulate dust creation in farm fields and on rural roads. Additionally, the scientific and technical evidence seems to agree. Given the ubiquitous nature of dust in agricultural settings and many rural environments, and the near impossible task of mitigating dust in most settings, we are hopeful that the EPA will give special consideration to the realities of farm and rural environments, including retaining the current standard.

Thank you for your consideration of this important matter.

Sincerely,

Dick Sugar

Jan Ford

Kent Larned

Mike Johnson

Michael B. Eiji

Jeff Session

Jim Lohlf

Donna

John Eisinger

John Boorman

Jerry Moran

John V. Lunn

Dan Coats

Paul Calman

Rob Antman

Man R

John Hoven

Ray Bent

Mark Royce

Th W

Mike Crogo

John Barrasso

Jon Tustin

Cine McCasill

Jim Johnson

Al Franken

Ang Kluber

John Conyn

Ren Johnson

Pat Roberts

Clara Kim

Lyndwister

to Benjamin Nelson

AL-11-000-2630



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**APR 14 2011**

OFFICE OF  
AIR AND RADIATION

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter of February 15, 2011, co-signed by 32 of your colleagues, expressing your concerns over the ongoing review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). The Administrator asked that I respond to your letter.

I appreciate the importance of NAAQS decisions to state and local governments, in particular to areas with agricultural communities, and I respect your perspectives and opinions. I also recognize the work that states have undertaken to improve air quality across the country. The NAAQS are set to protect public health from outdoor air pollution, and are not focused on any specific category of sources or any particular activity (including activities related to agriculture or rural roads). The NAAQS are based on consideration of the scientific evidence and technical information regarding health and welfare effects of the pollutants for which they are set.

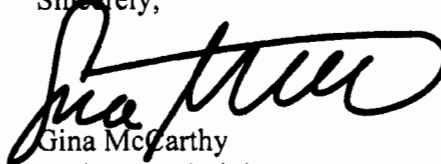
No final decisions have been made on revising the PM NAAQS. In fact, we have not yet released a formal proposal. Currently, we continue to develop options, including the option of retaining the current 24-hour coarse PM standard. To facilitate a better understanding of the potential impacts of PM NAAQS standards on agricultural and rural communities, EPA recently held six roundtable discussions around the country. This is all part of the open and transparent rulemaking process that provides Americans with many opportunities to offer their comments and thoughts. Your comments will be fully considered as we proceed with our deliberations.

Under the Clean Air Act, decisions regarding the NAAQS must be based solely on an evaluation of the scientific evidence as it pertains to health and environmental effects. Thus, the Agency is prohibited from considering costs in setting the NAAQS. But cost can be - and is - considered in developing the control strategies to meet the standards (i.e., during the implementation phase). Furthermore, I want to assure you that EPA does appreciate the importance of the decisions on the PM NAAQS to agricultural communities. We remain committed to common sense approaches to improving air quality across the country without placing undue burden on agricultural and rural communities.



Again, the Administrator and I thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina McCarthy", with a large, sweeping loop at the end.

Gina McCarthy  
Assistant Administrator

## United States Senate

WASHINGTON, DC 20510

May 26, 2011

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear President Obama:

In November, the public comment period concluded on the Environmental Protection Agency's (EPA's) proposed rulemaking for the regulation of coal combustion residues (CCRs). We write to ask the Administration to rapidly finalize a rule regulating CCRs under subtitle D, the non-hazardous solid waste program of the Resource Conservation and Recovery Act (RCRA).

The release of CCRs from the Tennessee Valley Authority impoundment in December 2008 properly caused the EPA to consider whether CCR impoundments and landfills should meet more stringent standards. All operators should meet appropriate standards, and those who fail to do so should be held responsible. We believe regulation of CCRs under subtitle D will ensure proper design and operations standards in all states where CCRs are disposed.

A swift finalization of regulations under subtitle D offers the best solution for the environment and for the economy. The environmental advantages of the beneficial use of CCRs in products such as concrete and road base are well-established. For example, a study released by the University of Wisconsin and the Electric Power Research Institute in November 2010 found that the beneficial use of CCRs reduced annual greenhouse gas emissions by an equivalent of 11 million tons of carbon dioxide, annual energy consumption by 162 trillion British thermal units, and annual water usage by 32 billion gallons. These numbers equate to removing 2 million cars from our roads, saving the energy consumed by 1.7 million American homes, and conserving 31 percent of the domestic water used in California.

We are concerned that finalizing a rule regulating CCRs under subtitle C of RCRA rule would permanently damage the beneficial use market. Since the EPA first signaled its possible intention to regulate CCRs under subtitle C, financial institutions have withheld financing for projects using CCRs, and some end-users have balked at using CCRs in their products until the outcome of the EPA's proposed rulemaking is known. Already, beneficial use of CCRs has decreased, and landfill disposal has increased. This result is counterproductive but likely to continue as long as the present regulatory uncertainty persists.

The Honorable Barack Obama  
May 26, 2011  
Page 2

State environmental protection agencies have cautioned the EPA that regulating CCRs under subtitle C will overwhelm existing hazardous waste disposal capacity and strain budget and staff resources. Moreover, the bureaucratic and litigation hurdles involved in a subtitle C rule could lead to long delays before storage sites are upgraded or closed, resulting in slower environmental protection.

In two prior reports to Congress, the EPA concluded that disposed CCRs did not warrant regulation under subtitle C of RCRA. Despite this prior conclusion, the EPA's proposed subtitle C option would regulate CCRs more stringently than any other hazardous waste by applying the subtitle C rules to certain inactive and previously closed CCR units. The EPA has never before interpreted RCRA in this manner in over 30 years of administering the federal hazardous waste rules. The subtitle C approach is not supportable given its multiple adverse consequences and the availability of an alternative, less burdensome regulatory option under RCRA's non-hazardous waste rules that, by the EPA's own admission, will provide an equal degree of protection to public health and the environment.

In conclusion, we request that the Administration finalize a subtitle D regulation as soon as possible. The states and the producers of CCRs have raised concerns that should be corrected in a final subtitle D rule, including ensuring that any subtitle D regulations are integrated with and administered by state programs. Subtitle D regulation will improve the standards for CCR disposal, ensure a viable market for the beneficial use of CCRs, and achieve near-term meaningful environmental protection for disposed CCRs.

Thank you very much for your consideration of this important matter. We look forward to your response and to working with you to address this issue in a manner that is both environmentally and economically sound.

Sincerely,



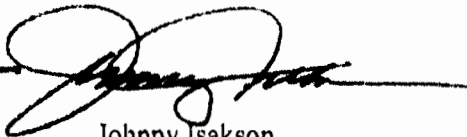
Kent Conrad  
United States Senate



Michael B. Enzi  
United States Senate

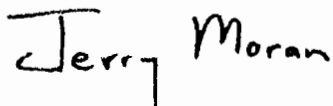


Joe Manchin III  
United States Senate




Johnny Isakson  
United States Senate

The Honorable Barack Obama  
May 26, 2011  
Page 3



Jerry Moran  
United States Senate




John Boozman  
United States Senate



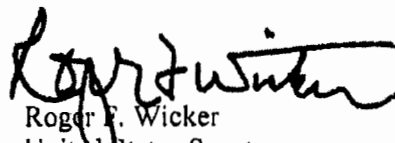
Daniel Coats  
United States Senate



Roy Blunt  
United States Senate



John Hoeven  
United States Senate



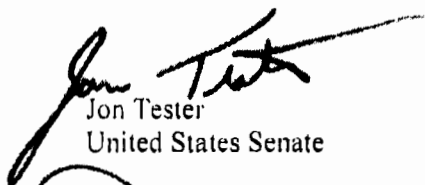
Roger F. Wicker  
United States Senate



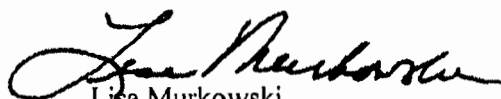
Thad Cochran  
United States Senate



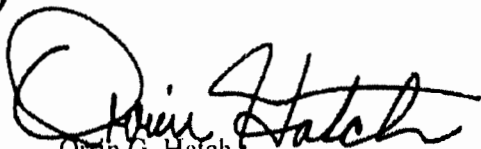
Claire McCaskill  
United States Senate



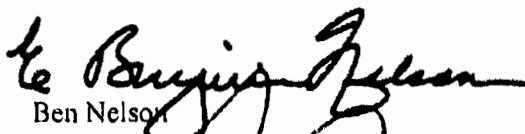
Jon Tester  
United States Senate



Lisa Murkowski  
United States Senate



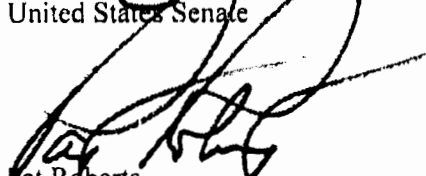
Orrin G. Hatch  
United States Senate



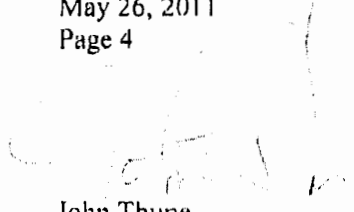
Ben Nelson  
United States Senate



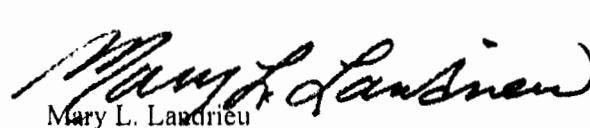
John Barrasso  
United States Senate

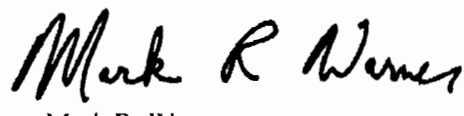



Pat Roberts  
United States Senate

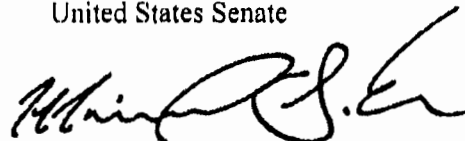
  
John Thune  
United States Senate

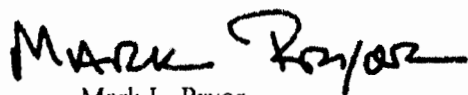
  
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United States Senate

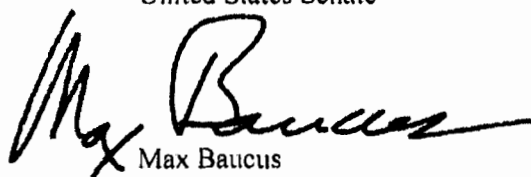
  
Mary L. Landrieu  
United States Senate


  
Mark R. Warner  
United States Senate

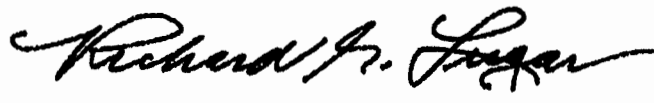
  
Bob Corker  
United States Senate

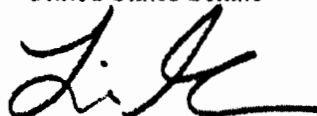
  
Mike Lee  
United States Senate

  
Mark L. Pryor  
United States Senate

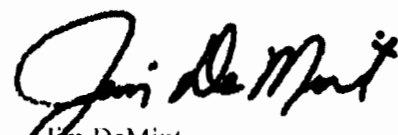
  
Max Baucus  
United States Senate

  
Richard Burr  
United States Senate

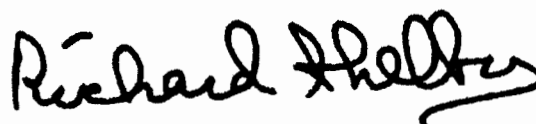
  
Richard G. Lugar  
United States Senate

  
Lindsey Graham  
United States Senate

  
Rob Portman  
United States Senate

  
Jim DeMint  
United States Senate

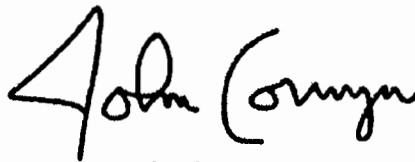
Richard C. Shelby  
United States Senate



The Honorable Barack Obama  
May 26, 2011  
Page 5



Patrick J. Toomey  
United States Senate



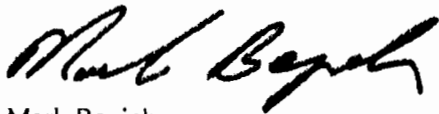
John Cornyn  
United States Senate



Dean Heller  
United States Senate



Lamar Alexander  
United States Senate



Mark Begich  
United States Senate



Chuck Grassley  
United States Senate



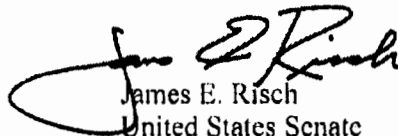
Saxby Chambliss  
United States Senate



Mark Kirk  
United States Senate



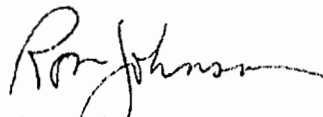
Herb Kohl  
United States Senate



James E. Risch  
United States Senate



John D. Rockefeller IV  
United States Senate



Ron Johnson  
United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 18 2011

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

The Honorable Mark Kirk  
United States Senate  
Washington, D.C. 20510

Dear Senator Kirk:

Thank you for your letter of May 26, 2011, to President Barack Obama in which you asked that the U.S. Environmental Protection Agency (EPA) finalize a rule regulating coal combustion residuals (CCR) under Subtitle D of the Resource Conservation and Recovery Act (RCRA) as soon as possible. I appreciate your comments regarding the CCR rule that the EPA proposed on June 21, 2010.

As you note in your letter, the regulation of CCR intended for disposal is appropriate, and the agency agrees with you that operators should meet appropriate standards, or be held accountable. The agency also shares your belief that the beneficial use of CCR, if conducted in a safe and environmentally protective manner, has many environmental advantages and should be encouraged.

Under the proposal, the EPA would regulate the disposal of CCR for the first time. As you know, the proposal sought public comment on two different approaches under RCRA. One option would treat such wastes as a "special waste" under Subtitle C of the statute, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The second option, as you indicated in your letter, would be to establish standards for waste management and disposal under the authority of Subtitle D of RCRA. The agency is currently reviewing and evaluating the approximately 450,000 public comments received on the proposal, many of which addressed the specific issues raised in your letter, before deciding on the approach to take in the final rule based on the best available science. The agency will issue a final regulation as expeditiously as possible.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in the EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely, .

A handwritten signature in black ink that reads "Mathy Stanislaus".

Mathy Stanislaus  
Assistant Administrator



THE NORTHEAST-MIDWEST SENATE COALITION

## GREAT LAKES TASK FORCE

October 22, 2013

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Dear Administrator McCarthy:


As Great Lakes Senators, preserving the health and water quality of the Great Lakes is a top priority. As such, we remain deeply concerned with Ontario Power Generation's proposal to build an underground radioactive nuclear waste repository less than a mile inland from the shores of Lake Huron near Kincardine, Ontario. The proposed plan would allow low and intermediate waste produced from Canada's nuclear facilities to be stored approximately 120 miles upstream from the main drinking water intakes for Southeast Michigan.


We are concerned about the potential damaging impacts to both public health and water quality from this proposed repository and encourage the EPA to continue to be actively involved in Ontario Power Generation's proposal. Further, we would like you to demonstrate what precautionary measures are proposed to date that will be put in place to prevent any possible exceedances of water quality standards.

The Great Lakes are a vital resource to both the United States and Canada, supplying drinking water to nearly 40 million people. We cannot afford to put the safe water supply of millions of people in jeopardy. We urge EPA do everything possible to ensure that this proposed repository represents a zero threat to the Great Lakes.

Thank you for your attention to this matter. If you have any questions, please contact us or have your staff contact Sarah Walter at (202) 224-2854 or [Sarah\\_Walter@kirk.senate.gov](mailto:Sarah_Walter@kirk.senate.gov) or Heidi Keller at (202) 224-6221 or [Heidi\\_Keller@levin.senate.gov](mailto:Heidi_Keller@levin.senate.gov)

Sincerely,

  
Mark Kirk, Co-Chair  
United States Senator

  
Carl Levin, Co-Chair  
United States Senator



MARK KIRK  
ILLINOIS

COMMITTEES:  
APPROPRIATIONS  
BANKING, HOUSING & URBAN AFFAIRS  
HEALTH, EDUCATION, LABOR & PENSIONS  
AGING

## United States Senate

December 11, 2014

Ms. Laura Vaught  
Associate Administrator for Congressional  
and Intergovernmental Relations  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, Room 3426 ARN  
Washington, DC 20460

Dear Ms. Vaught:

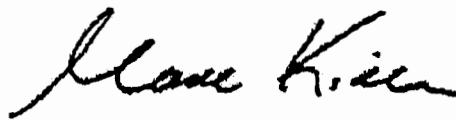
Enclosed please find the correspondence I received from my constituent,  
of Antioch, Illinois.

*exempt b*

My constituent contacted me regarding an RCRA notice filed on July 29, 2014 to the  
Environmental Protection Agency. *exempt b* is seeking an update on the matter. Further  
details may be found in the attached documents.

I appreciate any assistance or further information you may be able to offer. *exempt b*  
Thank you in advance for your attention to this matter. Please do not hesitate my  
Caseworker, Daniel Bower, at 312-886-3506 should you have any additional questions.

Sincerely,



Mark Kirk  
United States Senator

CHICAGO OFFICE  
230 SOUTH DEARBORN ST.  
SUITE 3900  
CHICAGO, IL 60604  
312-886-3508

SPRINGFIELD OFFICE  
807 EAST ADAMS ST.  
SUITE 1520  
SPRINGFIELD, IL 62701  
217-482-6089  
[www.kirk.senate.gov](http://www.kirk.senate.gov)

WASHINGTON OFFICE  
524 HART BUILDING  
WASHINGTON, DC 20510  
202-224-2854

FROM : KIRKPATRICK &amp; DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 03:48PM P2

Dec-11-2014 07:35 PM Senator Mark Kirk (312)886-2117

2/2

**United States Senate**

WASHINGTON, DC 20510

**Privacy Act Release**Name exemptAddress exemptAutocut IL 60002Home Phone exemptWork Phone exemptCellular Phone exemptE-Mail Address exemptAgency Involved US EPA DOJPertinent Case Number(s) exempt

Please provide a brief description of your issue. You may attach additional pages or supporting documents if necessary.

Follow up on Notice for Clean up of North  
Chicago IL Property of 2nd & Main LLC &  
LUMBER YARD STORAGE LLC & OTHERS LETTER & NOTICE PREVIOUS  
SENT

Pursuant to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, I authorize the release of all pertinent records and information regarding my case to Senator Mark Kirk and his staff. The information I have provided to Senator Kirk's office is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Kirk's office is in no way an attempt to evade or violate federal, state or local law.

Signature exemptDate 12/11/14

Please return to: Senator Mark Kirk  
 280 South Dearborn Street, Suite 3900  
 Chicago, IL 60604  
 Fax: (312) 886-2117

FROM : KIRKPATRICK & DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 10:57AM P2

2<sup>nd</sup> & Main LLC  
380 Lake St.  
Antioch IL 60002

December 11, 2014

Senator Mark Kirk  
Attn: Daniel Jower  
230 S Dearborn Suite 3900  
Chicago IL 60604

via fax: (312) 886-2117

RE: RCRA Notice  
Akzo Nobel 7/29/2014 North Chicago IL

Dear Senator Kirk:

Please find enclosed a RCRA notice filed on July 29, 2014 (without attachments).

The notice only raised the issue for the city's ownership of Marquette Street and not the 24" water main servicing the city and Abbott Park that has been put at risk, running under the property of 2<sup>nd</sup> & Main LLC.

It is believed the 24" water main is providing an accelerated path for the contaminants to migrate to and into the Great Lakes Navy Base east of Marquette St.

Please consider this letter a request from Lumberyard Storage LLC as well.

Thank you for your assistance.

Very Truly Yours,

2<sup>nd</sup> & Main LLC

*Exempt b*  
*Exempt b*  
*Member*

Enclosures

cc: Lumberyard Storage LLC

FROM : KIRKPATRICK & DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 10:57AM P3

***Jeep & Blazer, L.L.C.***

***environmental law***

Jeffery D. Jeep\*  
Michael S. Blazer\*\*

\* Also admitted in Massachusetts  
\*\* Also Admitted in New York and Washington

24 N. Hillside Avenue  
Suite A  
Hillside, Illinois 60162  
(708) 236-0830  
(708) 236-0828 Fax

Jeffery D. Jeep  
email: [jjeep@envirolaw.com](mailto:jjeep@envirolaw.com)

Web Site:  
[www.jeepandblazer.com](http://www.jeepandblazer.com)

July 29, 2014

**DELIVERY VIA REGISTERED MAIL, RETURN RECEIPT REQUESTED**

To:

Akzo Nobel Inc.  
c/o Its Registered Agent  
The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801  
Phone: (302) 658-7581

PPG Architectural Coatings LLC  
c/o Its Registered Agent  
The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801  
Phone: (302) 658-7581

Akzo Nobel Coatings Inc.  
c/o Its Registered Agent  
The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801  
Phone: (302) 658-7581

Zeneca Inc.  
c/o Its Registered Agent  
1800 Concord Pike  
Wilmington, De, 19850  
Phone: (302) 886-3075

Re: Notice of Intent to Sue under RCRA, CERCLA, et al.

**THIS IS TO NOTIFY YOU THAT:**

1. The undersigned is counsel for, and serves this notice on behalf of:

City of North Chicago  
1850 Lewis Avenue  
North Chicago, IL 60064  
(the "City")

2nd & Main LLC  
360 Lake Street  
Antioch, IL 60002

Lumberyard Storage LLC  
360 Lake Street  
Antioch, IL 60002

FROM : KIRKPATRICK & DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 10:57AM P4

2. This Notice is issued to:

Akzo Nobel Inc., a Delaware corporation, Delaware Secretary of State File No. 0939811 (hereafter "AkzoNobel");

Akzo Nobel Coatings Inc., a Delaware corporation, Delaware Secretary of State File Number 0884730 (hereafter "AkzoNobel Coatings");

PPG Architectural Coatings LLC, a Delaware limited liability company, Delaware Secretary of State File Number 2075766 and, on information and belief, formerly known as Akzo Nobel Paints LLC (hereafter collectively "AkzoNobel Paints"); and

Zeneca, Inc., a Delaware corporation, Delaware Secretary of State File Number 0771654, on information and belief formerly known as Atlas Chemical Industries Inc., ICI America Inc., ICI Americas Inc. and ICI North America Inc. (hereafter collectively "AtlasChemical").

3. AkzoNobel, AkzoNobel Coatings, AkzoNobel Paints and AtlasChemical are hereafter referred to collectively as the "AkzoNobel Companies."

4. The property, located in City of North Chicago, Illinois, which is the subject of this Notice, is described in the Tax Parcel Map attached as **Exhibit A**<sup>1</sup> (the "Property"). The Property consists of tax parcels 12-04-100-002, 12-04-100-003 and 12-04-100-004, with street addresses of 1900 Marquette Street, 1901 Sheridan Road and 1901 Sheridan Road, respectively, and is designated on **Exhibit A** as the "Former Paint Factory."

5. Marquette Street, a City owned right-of-way, bounds the Property to the east.

6. On information and belief, 1901 Sheridan Road LLC, an Illinois Limited Liability Company, owns the Property.

7. 2nd & Main LLC is a bona fide prospective purchaser, as that term is defined in Section 101(40) of the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601(40)(a)(1), Parcel 12-04-100-005 ("Parcel 005"), which bounds the Property to south and is depicted in **Exhibit A**. Lumberyard Storage LLC, an Illinois limited liability company, is a bona fide prospective purchaser of Parcels 12-04-100-015, 12-04-100-029, 12-04-100-017, 12-04-100-030 and 12-04-100-0342, which are located south of Parcel 004 and are depicted in **Exhibit A**. These parcels are collectively referenced herein as the "BFPP Parcels." The BFPP

<sup>1</sup> A complete copy of this letter with Exhibits A, B and C will be found as an Acrobat file on the enclosed CD-ROM.

FROM : KIRKPATRICK & DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 10:57AM P5

Parcels are located in the City of North Chicago. 2nd & Main LLC and Lumberyard Storage LLC are collectively referenced herein as the "BFP Purchaser(s)."

8. An abbreviated version of a Phase I Environmental Site Assessment<sup>2</sup> prepared for the Property by LFR Levine Fricke dated October 21, 2005, consisting of a narrative description of Sanborn Fire Insurance Maps dated 1917, 1924, 1929, 1948 and 1960, along with the Maps, is enclosed as Exhibit B.

9. On information and belief, Waukegan Chemical Company manufactured lacquers and enamels on the Property in 1929. In addition to the "Factory," the 1929 Sanborn Map depicts three additional buildings labeled as a Lacquer Warehouse, Mix House, and laboratory, respectively.

10. On information and belief, in the 1930's, Waukegan Chemical Company was renamed Brevolite Lacquer Company.

11. On information and belief, in the 1930's, the Zapon Company was a subsidiary of Atlas Powder Company and Atlas Powder Company acquired Brevolite Lacquer Company to form the Zapon-Brevolite Lacquer Company.

12. On information and belief, Zapon Company, also known as Celluloid Zapon Company, manufactured lacquers and enamels on the Property in 1948. The Waukegan Chemical Company, as it appeared on the 1929 Sanborn Map, is now labeled "Zapon Co. - Division of Atlas Powder Co.," on the 1948 Sanborn Map. The lacquers and enamels manufacturing operation, since 1929, expanded to occupy the entire south half of the Property. Significant features that are legible on the 1948 map include a "drum cleaning" room in the northwestern corner of the Property, two fuel oil tanks west of the factory boiler room, and text indicating that 25 underground solvent storage tanks were present on the Property.

13. On information and belief, Reliance Varnish Company manufactured lacquers and enamels on the Property in 1960. Other than the substitution of Reliance Varnish Company for Zapon Company, the 1960 Sanborn Map is substantially the same as the 1948 Sanborn Map.

14. On information and belief, in the 1960's, Atlas Powder Company changed its name to Atlas Chemical Industries, Inc.

15. On information and belief, in the 1970's, Imperial Chemical Industries Limited (I.C.I.) acquired Atlas Chemical Industries, Inc., which thereafter did business in the United States as ICI Americas, Inc.

16. On information and belief, in the 2000's, Akzo Nobel Inc. acquired ICI Americas, Inc., or its successor.

<sup>2</sup> A Phase I Environmental Site Assessment prepared for the BFPF Parcels by JAS Environmental, Inc. dated February 26, 2014 will be found as Exhibit C on the Acrobat version of this NOITS contained on the enclosed CD-ROM. A complete copy of the LFR Report is attached to the JAS Report, which is bookmarked for ease of navigation.

FROM : KIRKPATRICK &amp; DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 10:58AM P6

17. On information and belief, one or all of the **AkzoNobel Companies** are the corporate successor, parent or affiliate of Atlas Powder Company, Waukegan Chemical Company, Brevolite Lacquer Company, Zapon-Brevolite Lacquer Company, Celluloid Zapon Company (or Zapon Company), Reliance Varnish Company, Atlas Chemical Industries, Inc., Imperial Chemical Industries Limited, ICI Americas, Inc., ICI America, Inc., ICI North America Inc., ICI Explosives USA Inc., Akzo Nobel Paints LLC and PPG Architectural Coatings LLC, collectively referenced herein as the "**AkzoNobel Predecessors**."

18. On information and belief, some or all of the **AkzoNobel Predecessors** handled, stored, treated or disposed of solid or hazardous waste on the Property containing various hazardous substances, including Ethylbenzene, Toluene, Xylenes, Benzo(a)pyrene, Naphthalene and Mercury, all of which have been detected in soil and groundwater at the Property at levels in excess of cleanup objectives established by the Illinois Environmental Protection Agency (IEPA).

19. On information and belief, the handling, storage, treatment or disposal of solid or hazardous waste has caused hazardous substances to be present in soil and groundwater on the Property and beyond the boundaries of the Property (Off-Site Locations).

20. On information and belief, levels of hazardous substances have been detected in soil on the Property in excess of soil saturation levels (abundant levels of free product) and in excess of soil remediation objectives established by the IEPA. See Risk Based Cleanup Objectives, 35 IAC 742.

21. On one or more occasions, the particulars of which are not presently known to the City or BFP Purchasers, but occurring as early as 1929 and as recently as the present, one or more of the persons or entities to whom this Notice is directed has caused or allowed the release of a solid or hazardous waste or hazardous substances within the meaning of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 1901, *et seq.* ("RCRA") and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.* ("CERCLA"), respectively, into the soil, groundwater, sediments, and surface waters of the Property and Off-Site Locations.

22. As a result of such release, soils, groundwater, sediment, and surface water at the Property and Off-Site Locations have become contaminated by, or are threatened to be contaminated by, solid or hazardous wastes or hazardous substances.

23. Some or all of the **AkzoNobel Predecessors**, to whom this Notice is directed, have contributed or are contributing to the past or present handling, storage or disposal at the Property and Off-Site Locations of substances which are solid waste or hazardous waste, within the meaning of RCRA.

24. Some or all of the **AkzoNobel Predecessors** have disposed of solid or hazardous waste at the Property and Off-Site Locations through leaks, spills, placement and manufacturing operations at the Property.

FROM : KIRKPATRICK &amp; DAHL P.C.

FAX NO. : 18473957268

Dec. 11 2014 10:58AM P7

25. Some or all of the **AkzoNobel Predecessors** may have disposed of solid or hazardous waste at the Property and Off-Site Locations through leaks, spills, placement and manufacturing operations at the Property.

26. The presence of the described unconfined waste disposal site, and the contamination of the soils and groundwater at the Property and Off-Site Locations, may present an imminent and substantial endangerment to human health or the environment, within the meaning of 42 U.S.C. § 6972(a)(1)(B).

27. The City, the owner of the Marquette Street right-of-way, intends to file suit against each of the persons and entities to whom this Notice of Intent to Sue is directed pursuant to Section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), as well as under applicable common law and equity.

28. BFP Purchasers, owner of the BFPP Parcels, intends to file suit against each of the persons and entities to whom this Notice of Intent to Sue is directed pursuant to Section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B), as well as under applicable common law and equity.

29. The City has incurred necessary response costs, within the meaning of CERCLA, including, but not limited to, the cost of evaluating historical records regarding the release or threat of release of hazardous substances at the Property and Off-Site Locations.

30. BFP Purchasers have incurred necessary response costs, within the meaning of CERCLA, including, but not limited to, the cost of evaluating historical records regarding the release or threat of release of hazardous substances at the Property and Off-Site Locations.

City of North Chicago  
2nd & Main LLC  
Lumberyard Storage LLC

By: 

Jeffery D. Jeep  
One of Their Attorneys

Jeffery D. Jeep  
Jeep & Blitzer, L.L.C.  
24 N. Hillside Avenue  
Suite A  
Hillside, IL 60162  
(708) 238-0830  
[jdeep@enviroatty.com](mailto:jdeep@enviroatty.com)



FROM : KIRKPATRICK & DAHL P C

FAX NO. : 18473957268

Dec. 11 2014 10:58AM PB

cc: **REGISTERED MAIL, RETURN RECEIPT REQUESTED**

Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Mail Code: 1101A  
Washington, DC 20460

Susan Hedman  
Regional Administrator  
USEPA Region 5  
Mail Code: R-19J  
77 West Jackson Boulevard  
Chicago, IL 60604-3507

Eric F. Holder, Jr.  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Lisa Bonnett  
Director  
Illinois Environmental Protection Agency  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62784-9276

MARK KIRK  
ILLINOIS

COMMITTEES:  
APPROPRIATIONS  
BANKING, HOUSING & URBAN AFFAIRS  
HEALTH, EDUCATION, LABOR & PENSIONS  
AGING

## United States Senate

### FACSIMILE COVER PAGE OFFICE OF SENATOR MARK KIRK

To: EPA Congressional Relations Date: 2/25/15

Fax: 202-564-1828 Pages (including cover): 10

Phone: 202-564-5200 Subject: Inquiry

From:

☐ Matthew Abbott

☐ Andrew Field

☐ \_\_\_\_\_

☐ Jodie Anderson

☐ Seth Jansen

☒ Daniel Bower

☐ Robert Johnson

☐ Brian Colgan

☐ Edward Kelly

☐ Elisabeth Conklin

☐ Constance Palas

☐ Brette Dunbar

☐ Christian Powills

Comments:

**PLEASE CALL (312) 886-3506 IMMEDIATELY IF THERE ARE  
ANY PROBLEMS WITH THE TRANSMISSION OF THIS FAX.**

CHICAGO OFFICE  
230 SOUTH DEARBORN ST.  
SUITE 3900  
CHICAGO, IL 60604  
312-886-3808

SPRINGFIELD OFFICE  
607 EAST ADAMS ST.  
SUITE 1020  
SPRINGFIELD, IL 62701  
217-492-6089  
[www.kirk.senate.gov](http://www.kirk.senate.gov)

WASHINGTON OFFICE  
524 HART BUILDING  
WASHINGTON, DC 20510  
202-224-2954



United States Environmental Protection Agency  
Regional Administrator  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

AL-15-000-5814

MAR 31 2015

The Honorable Mark Kirk  
United States Senator  
230 South Dearborn Street, Suite 3900  
Chicago, Illinois 60604

Dear Senator Kirk:

Thank you for your December 11, 2014 letter regarding your constituent *AL-15-000-5814* concerns about the Chemical Packaging site in North Chicago, Illinois.

The U.S. Environmental Protection Agency inspected the site on August 28, 2014 and determined that the property does not currently pose an imminent and substantial threat to human health and the environment. As a result, EPA does not have authority to pursue an enforcement action or conduct remediation activities under the Superfund Program.

In an effort to provide assistance, EPA's Brownfields staff is working with the City of North Chicago to identify sources of funding and technical assistance that may be available to facilitate redevelopment of the site. For example, financial assistance may be available from the Illinois Brownfields Revolving Loan Fund, which is capitalized with grants from USEPA.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Ronna Beckmann or Eileen Deamer, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hedman", is written over a horizontal line.

Susan Hedman  
Regional Administrator